

 **ORIGINAL**

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

**IN RE:** :

**CHARLES ZANDFORD** :

**Bankruptcy Case No. 05-13305**

**Debtor** :

**CHARLES ZANDFORD** :

**Appellant** :

**v.** :


**Civil Action No. 07-611 GMS**

**TRUSTEE ALFRED THOMAS :  
GIULIANO**

**Appellee**

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**APPELLANT'S RESPONSE TO TRUSTEE'S REPLY TO APPELLANT'S  
RESPONSE TO APPLICATION FOR RELIEF IN THE NATURE OF A MOTION  
TO QUASH**

**FILED**  
**CLERK, U.S. DISTRICT COURT**  
**DISTRICT OF DELAWARE**  
**2008 APR 11 PM 2:06**  


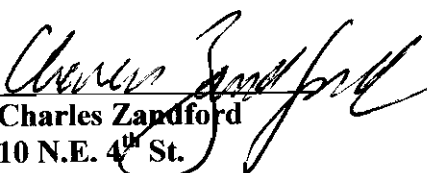
Appellant, Charles Zandford, respectfully submits his response to trustee's 'REPLY TO APPELLANTS RESPONSE TO APPLICATION FOR RELIEF IN THE NATURE OF A MOTION TO QUASH.' This Court has jurisdiction over this appeal pursuant to Federal Rule of Bankruptcy Procedure 8003 (c). Appellant respectfully draws to Court's attention to the following facts:

1. The trustee first argued that this Court lacked jurisdiction to consider this appeal because Appellant had not sought permission from the Bankruptcy Court to seek an interlocutory appeal from the District Court.
2. Now, trustee agrees that such permission was not necessary, but offers a new argument. Trustee now argues that this Court lacks jurisdiction because Appellant did not seek leave of this Court to appeal from the Order at issue. Obviously, trustee is not familiar with Federal Rule of Bankruptcy Procedure 8003 (c) which was discussed on page 8 of Appellant's response to trustee's motion to quash.
3. Federal Rule Of Bankruptcy Procedure 8003( c) - Appeal Improperly Taken Regarded as a Motion for Leave to Appeal.

Rule 8003(c) provides, in relevant part, that: If a required motion for leave to appeal is not filed, but a notice of appeal is timely filed, the district court or bankruptcy appellate panel may grant leave to appeal or direct that a motion for leave to appeal be filed. The district court or the bankruptcy appellate panel may also deny leave to appeal but in so doing shall consider the notice of appeal as a motion for leave to appeal... Fed. R. Bankr. P. 8003(c)." (emphasis added)

4. Pursuant to Rule 8003( c), this Court has jurisdiction over this appeal.

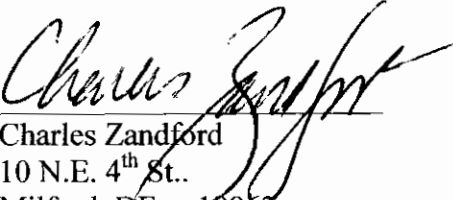
**Respectfully submitted,**

  
**Charles Zandford**  
**10 N.E. 4<sup>th</sup> St.**  
**Milford, Delaware 19963**  
**(302) 725-0655**

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a true copy of ‘ **APPELLANT’S RESPONSE TO TRUSTEE’S REPLY TO APPELLANTS RESPONSE TO APPLICATION FOR RELIEF IN THE NATURE OF A MOTION TO QUASH,**’ was served via first class mail, postage prepaid, on this 11th day of April 2008, upon the following:

Jeffery S. Ciannciulli  
Suite 500  
1339 Chestnut St.  
Phila. , PA. 19107-3519

  
Charles Zandford  
10 N.E. 4<sup>th</sup> St..  
Milford, DE. 19963  
(302) 725-0655

April 11, 2008

Ronald Eberhard, Intake supervisor  
U.S. District Court for the District of Delaware  
4209 Federal Building  
844 King Street, Room 4209  
Wilmington, Delaware 19801

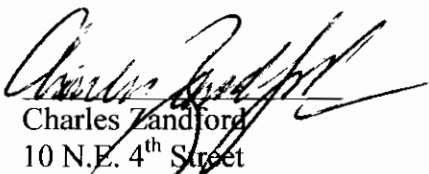
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RE: In Re: Charles Zandford  
Civil Action No. 07-611 GMS

Dear Mr. Eberhard,

Enclosed for filing, please find the original, and a true copy of **'APPELLANT'S  
RESPONSE TO TRUSTEE'S REPLY TO APPELLANTS RESPONSE TO  
APPLICATION FOR RELIEF IN THE NATURE OF A MOTION TO QUASH.'**

Thank you for your assistance in this matter.

  
Charles Zandford  
10 N.E. 4<sup>th</sup> Street  
Milford, DE. 19963  
(302) 725- 0655